

In The Matter Of:

ROY BROOKS, JR.

v.

COUNTRYWIDE HOME LOANS, INC., ET AL.

NO. 2:06CV356-VPM

ROY BROOKS, JR.
September 15, 2006



THE HIGHEST QUALITY IN COURT REPORTING

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 1 to 4)

Page 1

Page 3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CIVIL ACTION NO. 2:06CV356-VPM

ROY BROOKS, JR.,
Plaintiff,
vs.
COUNTRYWIDE HOME LOANS, INC., et al.,
Defendants.

DEPOSITION
OF
ROY BROOKS, JR.
September 15, 2006

REPORTED BY: Sabrina Lewis
Certified Shorthand Reporter
Registered Diplomate Reporter
Notary Public

A P P E A R A N C E S

FOR THE PLAINTIFF:

Mr. Alan M. Warfield
Attorney at Law
Walston, Wells & Birchall, LLP
One Federal Place, Suite 1100
1819 Fifth Avenue North
Birmingham, Alabama 35203

FOR THE DEFENDANT:

Mr. J.E. Sawyer, Jr.
Attorney at Law
203 South Edwards Street
Enterprise, Alabama 36330

Page 2

Page 4

1 S T I P U L A T I O N S

2
3 IT IS STIPULATED AND AGREED,
4 by and between the parties, through their
5 respective counsel, that the deposition of
6 ROY BROOKS, JR. may be taken before Sabrina
7 Lewis, Commissioner, Certified Shorthand
8 Reporter, Registered Diplomate Reporter,
9 and Notary Public;

10 That the signature to and
11 reading of the deposition by the witness is
12 waived, the deposition to have the same
13 force and effect as if full compliance had
14 been had with all laws and rules of Court
15 relating to the taking of depositions;

16 That it shall not be necessary
17 for any objections to be made by counsel to
18 any questions, except as to form or leading
19 questions, and that counsel for the parties
20 may make objections and assign grounds at
21 the time of trial, or at the time said
22 deposition is offered in evidence, or prior
23 thereto.

1 I N D E X O F E X A M I N A T I O N

PAGE:

EXAMINATION BY MR. WARFIELD 6

7 I N D E X O F E X H I B I T S

PAGE:

9 Defendant's Exhibit 1	24
10 Defendant's Exhibit 2	50
11 Defendant's Exhibit 3	75
12 Defendant's Exhibit 4	77
13 Defendant's Exhibit 5	98
14 Defendant's Exhibit 6	124
15 Defendant's Exhibit 7	127
16 Defendant's Exhibits 8 and 9	130
17 Defendant's Exhibit 9A	188
18 Defendant's Exhibit 10	169
19 Defendant's Exhibit 11	171
20 Defendant's Exhibit 12	182
21 Defendant's Exhibit 13	184
22 Defendant's Exhibit 14	186
23 Defendant's Exhibits 15 and 16	190

**ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.**

ROY BROOKS, JR.
September 15, 2006

(Pages 5 to 8)

Page 5	Page 7
	<p>1 INDEX OF EXHIBITS (continuing) 2 PAGE: 3 Defendant's Exhibit 17 197 4 Defendant's Exhibits 18, 19, 20 205 5 Defendant's Exhibit 21 212 6 Defendant's Exhibit 22 214 7 Defendant's Exhibit 23 236</p>
	<p>1 name is Alan Warfield. I'm an attorney for 2 Countrywide Home Loans. And I'll be asking 3 you questions today about the lawsuit that 4 you have filed against Countrywide, okay? 5 And I don't know if you've given a 6 deposition before, but I'm going to give 7 you a few rules and suggestions for the 8 afternoon.</p> <p>9 I'll be asking you a series of 10 questions. And the first rule is whenever 11 you answer my question, please do so 12 verbally. She can't take down a head nod 13 or a head shake. So a yes or no answer or 14 a verbal answer is what we'll need to get 15 it on the record, okay?</p> <p>16 A. Okay.</p> <p>17 Q. All right. If at any time 18 today you don't understand one of my 19 questions, please just let me know, okay?</p> <p>20 A. I will.</p> <p>21 Q. Okay. I'd rather you let me 22 know and let me rephrase it than have you 23 try to guess or figure out what I'm getting</p>
	<p>1, Sabrina Lewis, a Certified 2 Shorthand Reporter and Registered Diplomat 3 Reporter of Birmingham, Alabama, and a 4 Notary Public for the State of Alabama at 5 Large, acting as Commissioner, certify that 6 on this date, pursuant to Rule 30 of the 7 Alabama Rules of Civil Procedure and the 8 foregoing stipulation of counsel, there 9 came before me at One Federal Place, Suite 10 1100, 1819 Fifth Avenue North, Birmingham, 11 Alabama, on September 15, 2006, commencing 12 at 2:28 p.m., ROY BROOKS, JR., witness in 13 the above cause, for oral examination, 14 whereupon the following proceedings were 15 had:</p> <p>16 THE COURT REPORTER: Usual 17 stipulations?</p> <p>18 (Affirmed by counsel.)</p> <p>19 ROY BROOKS, JR., 20 being first duly sworn, was examined and 21 testified as follows:</p> <p>22 EXAMINATION BY MR. WARFIELD:</p> <p>23 Q. Good afternoon, Mr. Brooks. My</p>
	<p>1 at, okay?</p> <p>2 A. I will.</p> <p>3 Q. If at any point today you need 4 to take a break, go to the bathroom, get 5 something to drink, just let me know. I'm 6 happy to stop, okay?</p> <p>7 A. I will.</p> <p>8 Q. Would you state your full name 9 for the record for me, please.</p> <p>10 A. Roy Brooks.</p> <p>11 Q. Do you have a middle name?</p> <p>12 A. Junior.</p> <p>13 Q. I'm sorry?</p> <p>14 A. The end name. Junior.</p> <p>15 Q. No middle name? Okay. What is 16 your date of birth, Mr. Brooks?</p> <p>17 A. 4th the 13th of '47.</p> <p>18 Q. April 13th, '47?</p> <p>19 A. Right.</p> <p>20 Q. And your Social Security 21 number?</p> <p>22 A. 419-62-0545.</p> <p>23 Q. 0545?</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 21 to 24)

Page 21	Page 23
<p>1 they teach you to -- when somebody die how 2 to talk to the peoples and keep them calm 3 and how to work with funerals and direct 4 and do all that stuff.</p> <p>5 Q. And you said that was through 6 Alabama State?</p> <p>7 A. Yeah.</p> <p>8 Q. Did you receive any sort of 9 degree or certificates?</p> <p>10 A. Yes, I received a certificate.</p> <p>11 Q. Certificate? Did you receive 12 any degree or certificate from Wayne 13 University in music?</p> <p>14 A. Yes.</p> <p>15 Q. What kind?</p> <p>16 A. I received one in piano. I 17 received one in organ.</p> <p>18 Q. These are certificates?</p> <p>19 A. Yeah.</p> <p>20 Q. Do you have any other --</p> <p>21 A. Yeah. I went to -- I got -- I 22 had a study course through Lynchburg, 23 Virginia school. And I took a course there</p>	<p>1 underwriter's school. I wrote insurance 2 for Booker T. Washington Insurance Company.</p> <p>3 Q. So you went through a program 4 put on by Booker T. Washington?</p> <p>5 A. Yeah, and I wrote -- I was one 6 of the underwriters.</p> <p>7 Q. Sort of training provided by 8 them for its employees?</p> <p>9 A. Right.</p> <p>10 Q. Were you employed as an 11 underwriter?</p> <p>12 A. Right.</p> <p>13 Q. How long did you do that?</p> <p>14 A. About two years.</p> <p>15 Q. Anything else?</p> <p>16 A. Yeah. I went to first aid 17 school, emergency first aid.</p> <p>18 Q. Where was that?</p> <p>19 A. We done that through Dorsey 20 Trailer, had a special program.</p> <p>21 Q. If you don't mind my asking, 22 what are you looking at there?</p> <p>23 A. This is some publication for me</p>
Page 22	Page 24
<p>1 through Jerry Falwell and them.</p> <p>2 Q. What kind of course?</p> <p>3 A. A biblical course. Then I went 4 to George Wallace, and I took electronic 5 fundamentals. I went there about two 6 years.</p> <p>7 Q. Did you obtain a degree of any 8 kind in electronics?</p> <p>9 A. No. I got a certificate in 10 electronics.</p> <p>11 Q. Any other education or school 12 work?</p> <p>13 A. Yes. Oh, there's so many. Can 14 I go back and look at my papers?</p> <p>15 Q. Sure, sure.</p> <p>16 A. It was so many of them.</p> <p>17 Q. And I'd say at any point,</p> <p>18 Mr. Brooks, today if there's a question I 19 ask you that if there's some document or 20 papers that you can look at to help you 21 remind yourself, I welcome you to do so.</p> <p>22 A. Yeah, okay.</p> <p>23 Q. Oh, yeah. I went to</p>	<p>1 that was ran in the papers I think when I 2 ran for House of Representatives.</p> <p>3 Q. Okay. Do you mind if I have a 4 copy of this?</p> <p>5 A. No, I don't. Don't mind.</p> <p>6 Q. Is that a copy I can have?</p> <p>7 A. Yes, yes.</p> <p>8 (Whereupon, Defendant's 9 Exhibit 1 was marked for 10 identification.)</p> <p>11 Q. (BY MR. WARFIELD:) Can you 12 think of any other post-high school 13 education or degrees you've gotten?</p> <p>14 A. Well, I took typing from Warren 15 Smith High School. They had a program, and 16 I got a certificate in that.</p> <p>17 Q. Okay.</p> <p>18 A. I also as president of the 19 union at Dorsey Trailer, I received 20 several -- went to several schools.</p> <p>21 Arbitration school. We went here at the 22 college here in Birmingham. And how to 23 write grievances, all that. I went to</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 49 to 52)

Page 49	Page 51
1 planning on drawing it, but she don't have 2 one. You know, what's current. 3 Q. But she's told you what she 4 intends to do? 5 A. Yes, what she want done. 6 Q. But currently, do you have her 7 power of attorney over all of her financial 8 matters? 9 A. Right. 10 Q. Now, what about the Dean Street 11 property in Troy, 319 Dean Street? Do you 12 know who owns that? 13 A. Yes. I think I got a list. I 14 had it right there. The land at 319 Dean 15 Street belongs to Ms. Gloria Starks. It 16 always belonged to her, and it ain't never 17 had my name on it. Her and father's home. 18 Q. This document you just handed 19 to me, is this something you got from 20 the -- 21 A. The court. I went to the 22 courthouse and got it yesterday. 23 Q. Do you mind if I mark it as an	1 A. Except to go by there to see 2 her; you know, do a little courting. 3 Q. But you told me the phone 4 number that you give to people -- 5 A. Yeah, is at that property 6 because I don't have one. 7 Q. Do you use that property as a 8 mailing address? 9 A. Sometimes. 10 Q. Okay. So I guess we haven't 11 talked about any properties yet that are in 12 your name? 13 A. Right. 14 Q. Are there any other pieces of 15 real property that are currently owned by 16 you or in your name? 17 A. Well, really not because I 18 signed the property over -- my ex-wife, I 19 signed it over to her. So I really 20 shouldn't have any in my name. 21 Q. Where is that property located? 22 A. 311 Griffin Street. 23 Q. In Troy?
Page 50	Page 52
1 exhibit? 2 A. Yeah. I went you to mark it an 3 exhibit. 4 Q. Okay. 5 A. And show it to him, too. 6 MR. SAWYER: I'll get a copy of 7 the deposition. And you will, too. 8 (Whereupon, Defendant's 9 Exhibit 2 was marked for 10 identification.) 11 Q. (BY MR. WARFIELD:) So the 12 property at 319 Dean Street is owned by 13 your wife, Gloria Starks? 14 A. She wasn't my wife, though, 15 when this happened. 16 Q. Okay. I understand. But 17 currently, though -- 18 A. Yeah, it's owned by her. 19 Q. Have you at any time owned any 20 interest in that property? 21 A. Never owned any interest in it. 22 Q. Have you at any time lived at 23 that property?	1 A. Right. 2 Q. And it's your understanding 3 that you have deeded your interest to -- 4 A. Yeah. I went to a lawyer's 5 office and signed over to her. 6 Q. So your ex-wife now owns that 7 property? 8 A. Yeah. Right. 9 Q. And again, just try and let 10 me -- 11 A. Yes, I'm sorry. 12 Q. So today there is no real 13 property owned by you in your name? 14 A. No. 15 Q. Tell me when the last time -- 16 strike that. Bad way to start the 17 question. 18 At some point have you owned 19 real property in your name? 20 A. Yes. I owned the Pi Kappa 21 House in Troy, Alabama at 500 North Three 22 Notch Street. 23 Q. North Three Notch Street?

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 57 to 60)

Page 57	Page 59
<p>1 A. Yeah.</p> <p>2 Q. Any others?</p> <p>3 A. Like I told you, I owned the 4 one with my wife, the one on 311 Griffin 5 Street.</p> <p>6 Q. Yes, sir. I have that one, 7 too.</p> <p>8 A. That's all I own.</p> <p>9 Q. It's my understanding, 10 Mr. Brooks, that it's primarily the two 11 Hubbard Street properties and the Ice 12 Street property that are at issue in this 13 lawsuit; is that correct?</p> <p>14 A. Right.</p> <p>15 Q. Let's talk about those three 16 properties. Let's start with 120 Hubbard 17 Street.</p> <p>18 A. Okay.</p> <p>19 Q. When did you obtain any 20 ownership interest in that property?</p> <p>21 A. Just a second. I think it was 22 1985. Hold on just a minute.</p> <p>23 It was October 1987.</p>	<p>1 remember what you paid for the property? 2 Talking about 120 Hubbard.</p> <p>3 A. When I got it, it was a 4 fixer-up type property. I think I paid 5 \$8,000 for it.</p> <p>6 Q. And at the time you purchased 7 it, did you take out a mortgage on it?</p> <p>8 A. Yeah. Through IAM Credit 9 Union.</p> <p>10 Q. IAM Credit. All right. Now, 11 how about the 410 Hubbard Street? Did you 12 buy that at the same time?</p> <p>13 A. Yes.</p> <p>14 Q. Did you buy it from the same 15 people?</p> <p>16 A. No.</p> <p>17 Q. Who did you buy that one from?</p> <p>18 A. I bought it from Geraldine C. 19 Bristow.</p> <p>20 Q. Bristow. Okay. I've seen that 21 in the --</p> <p>22 A. And Cottrill Bristow.</p> <p>23 Q. Do you recall what you paid for</p>
Page 58	Page 60
<p>1 Q. And who did you buy it from?</p> <p>2 A. I bought it from Michael and 3 Pearl Inez Woodard.</p> <p>4 Q. Woodard?</p> <p>5 A. Yeah.</p> <p>6 MR. WARFIELD: Is that deed in 7 here, Joe?</p> <p>8 THE WITNESS: You don't have 9 that one.</p> <p>10 MR. SAWYER: I don't know.</p> <p>11 MR. WARFIELD: And I'll make a 12 copy of this later and give you back your 13 original.</p> <p>14 MR. SAWYER: What we're going 15 to do, Mr. Brooks, is he's entitled to have 16 a copy of that, but I'm going to ask him to 17 make a copy of it and give you your 18 original back, okay?</p> <p>19 THE WITNESS: Okay.</p> <p>20 MR. WARFIELD: I'll just set it 21 aside for right now, and we'll get to that 22 in a minute.</p> <p>23 Q. (BY MR. WARFIELD:) Do you</p>	<p>1 that property?</p> <p>2 A. I think I paid Ms. Bristow 3 \$6,000 for that piece of property.</p> <p>4 Q. And did you buy it -- I know 5 you said the same time. Did you buy these 6 on the same day?</p> <p>7 A. I think -- I can't remember if 8 we settled on the same day or the next day. 9 Because this was done on the 6th day right 10 here. The 6th of November. So it had to 11 be on different dates.</p> <p>12 Q. Okay. Different dates. But 13 the same time frame?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. And what about the 415 16 Ice Street?</p> <p>17 A. Okay, 415 Ice Street was 18 bought -- I think it was bought the same 19 day of this Woodard property.</p> <p>20 Q. Now, are two of these 21 properties actually on the same parcel for 22 tax purposes?</p> <p>23 A. What happened, they three</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 61 to 64)

Page 61	Page 63
<p>1 different lots.</p> <p>2 Q. They're three entirely separate 3 properties?</p> <p>4 A. Yes. What happened, the 5 Woodard property, it had a house on it by 6 itself when I bought it. Then later on I 7 bought a house and moved it over on the end 8 of, which was 415 Ice Street.</p> <p>9 Q. So 120 Hubbard and 415 Ice 10 are --</p> <p>11 A. They're hooked together in 12 property, but they run from street to 13 street.</p> <p>14 Q. Okay.</p> <p>15 A. So 120 Hubbard already had a 16 house on it that the Woodards had. But 415 17 Ice wasn't property on it when I first 18 bought it.</p> <p>19 Q. There was no building?</p> <p>20 A. No building.</p> <p>21 Q. Okay.</p> <p>22 A. So I bought a building and put 23 on there. I bought a house and put over</p>	<p>1 A. Right.</p> <p>2 Q. So he sold the houses off the 3 land to you?</p> <p>4 A. To me.</p> <p>5 Q. And you moved them?</p> <p>6 A. And I moved them to Troy.</p> <p>7 Q. What's it cost to move a house?</p> <p>8 A. Okay, I paid -- his name was 9 Jacobs. I paid him \$2,500 to move one 10 house. And the larger house, I paid him 11 \$3,000.</p> <p>12 Q. Okay.</p> <p>13 A. And that, by the way, you asked 14 me about a lawsuit.</p> <p>15 Q. Yes, sir.</p> <p>16 A. I sued him. Jacobs.</p> <p>17 Q. Mr. Jacobs?</p> <p>18 A. Yeah. I sued him because he 19 moved a house down on another man's land 20 and supposed to carry them on to Troy and 21 left them there about six months. And when 22 I filed suit, he went and moved them on to 23 the property. And so I got a judgment of</p>
<p>1 there. Same thing at 410 Hubbard Street.</p> <p>2 Q. Same thing meaning you moved a 3 house on to it?</p> <p>4 A. I moved a house on to it.</p> <p>5 Q. Where did you get the houses 6 that you moved there?</p> <p>7 A. I bought it from Old Man 8 Chisolm. He owned Chisolm Truck Stop in 9 Brundidge. You remember Mr. Chisolm? I 10 can't think of his last name. But 11 Chisolm -- see, you just ask anybody about 12 Chisolm Truck Stop and Old Man Chisolm. 13 But I can't think of his last name.</p> <p>14 Q. But he had houses somewhere?</p> <p>15 A. What happened is he had these 16 houses. He was fixing to build something, 17 and he had these two houses there. And he 18 sold these houses so he could build 19 whatever he was going to build. Something 20 he was fixing to build. It been a good 21 while. And I bought them houses from him.</p> <p>22 Q. Okay. So he wanted to do 23 something else with the land?</p>	<p>1 \$11,000 on him, but he didn't have nothing. 2 I never did get no money out of it.</p> <p>3 Q. Let me make sure I follow you 4 on that. He was supposed to move your 5 houses, and he didn't do until you sued?</p> <p>6 A. Yeah, I paid him to move.</p> <p>7 Q. Okay.</p> <p>8 A. But he moved up -- what he did, 9 he moved them like the back way -- it was 10 down there by Ozark. He moved them the 11 back roads. And he talked to a guy about 12 letting him just set it there -- it was 13 close to night -- out in a field. He was 14 going to come and get it.</p> <p>15 Okay. He never did. So the 16 others he let it stayed down there a long 17 time on Mr. Chisolm's land. Mr. Chisolm 18 said well, now, you got to move it. And he 19 never would move it. And then when I filed 20 charges, I filed on him not moving it from 21 off of that man's land and not moving it up 22 there.</p> <p>23 He moved them quick when he</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 65 to 68)

Page 65	Page 67
<p>1 found out. But I got an \$11,000 judgment, 2 and I didn't get nothing out it.</p> <p>3 Q. But he did ultimately move the 4 houses?</p> <p>5 A. He ultimately moved them on to 6 Ice Street and 410 Hubbard Street.</p> <p>7 Q. So he got the houses there?</p> <p>8 A. Right.</p> <p>9 Q. It took him till after you sued 10 him?</p> <p>11 A. Right.</p> <p>12 Q. What was your intention of what 13 you were going to do with the properties?</p> <p>14 A. They was rental property.</p> <p>15 Q. Rental properties?</p> <p>16 A. Um-hmm.</p> <p>17 Q. Okay. Have you ever lived at 18 any of those three properties?</p> <p>19 A. The 410 Hubbard Street property 20 was going to be my personal dwelling.</p> <p>21 Q. It was going to be?</p> <p>22 A. Yeah. I've stayed there some.</p> <p>23 Q. 410 Hubbard?</p>	<p>1 Q. In 2000?</p> <p>2 A. Yeah. Ivan was when?</p> <p>3 Q. Ivan was two years ago, 2004.</p> <p>4 A. That's the one. That's the 5 one.</p> <p>6 Q. Ivan was around the time that 7 this foreclosure happened.</p> <p>8 A. Right. That's when all this 9 took place.</p> <p>10 Q. Okay. So I think Countrywide 11 records had you -- we had an address of 319 12 Dean Street at that time. Is that not 13 where you were living?</p> <p>14 A. Well, see what happened, I 15 tried to tell Countrywide, but they would 16 not listen. I tried to tell them. I even 17 called the office. I spoke to the manager. 18 I said, "Sir, I have never owned any 19 property at Dean Street." And I said, "I 20 don't live at Dean Street."</p> <p>21 But they -- they just 22 wouldn't -- you know, they wouldn't accept 23 it. And they kept -- but now I'll tell you</p>
Page 66	Page 68
<p>1 A. Right. But I had done, you 2 know, start sure enough remodeling it 3 forever.</p> <p>4 Q. When was the first time you 5 actually lived at the 410 Hubbard Street 6 property?</p> <p>7 A. I lived there several times. 8 Before this even thought about coming up.</p> <p>9 Q. Tell me the last time you lived 10 there.</p> <p>11 A. The last time I lived there was 12 right after the storm.</p> <p>13 Q. Which storm?</p> <p>14 A. Before the storm. Before the 15 last storm that hit it. Right before that 16 storm. Because I was fixing -- I was 17 remodeling the bathroom and something 18 before that storm come that day. I'm 19 trying --</p> <p>20 Q. We've had a lot of them. Could 21 you tell me which storm it was?</p> <p>22 A. The one that come in 2000.</p> <p>23 What was that?</p>	<p>1 what. Every time -- and they foreclosed. 2 Every time it went -- when they put it in 3 the paper, they didn't put Dean Street. 4 They put 410 Hubbard Street --</p> <p>5 Q. Right.</p> <p>6 A. -- Ice Street, and all that 7 because they couldn't find -- they knew I 8 didn't own it. So that's why I bought you 9 that --</p> <p>10 Q. Sure.</p> <p>11 A. -- document there.</p> <p>12 Q. Let me ask you this question. 13 If I had walked up to you in September of 14 2004, which was the month, I believe, that 15 Ivan came through, and I asked you where to 16 mail you a letter --</p> <p>17 A. Where to --</p> <p>18 Q. -- where would you have told me 19 to send it?</p> <p>20 A. 907 North Main.</p> <p>21 Q. So at the time, you expected to 22 receive correspondence and mail at the Main 23 Street address in Brundidge?</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 89 to 92)

Page 89	Page 91
<p>1 the lot. They wanted to sell the house 2 lot, and then they wanted a little bit for 3 this lot here, which was on 415 Ice Street. 4 But see, it run from one street to the 5 other street. This is Hubbard Street, and 6 this is Ice Street. But this lot runs 7 straight across.</p> <p>8 Q. Okay.</p> <p>9 A. It's a hundred and something in 10 the front, and it comes down about eighty 11 in the back. And that's where I put that 12 other house at over here. It was already a 13 house right here.</p> <p>14 Q. Okay.</p> <p>15 A. Okay? And you come on down the 16 street around the curve at 410 Hubbard 17 Street, on down the hill here, and it sets 18 over here. And actually, that's two lots. 19 I bought both of them, you know what I'm 20 saying? I bought both of them lots. And 21 my house set right in the middle. I put 22 that house on there.</p> <p>23 Q. Okay. And it is 415 Ice and</p>	<p>1 Countrywide on these properties, and we had 2 negotiated to let the insurance pay off. 3 We even talked to the insurance man. I got 4 a letter here from Thomas. You got a copy 5 of that letter?</p> <p>6 Q. Yes, sir. I do. It think.</p> <p>7 Okay. We'll get into more of 8 those details in a minute.</p> <p>9 A. I got a question.</p> <p>10 Q. Sure.</p> <p>11 A. You asked me the price of one 12 house, but you didn't ask me the price of 13 the other two houses.</p> <p>14 Q. You gave me prices for all 15 three?</p> <p>16 A. No. I gave you the price of 17 one house on 410 Hubbard Street.</p> <p>18 Q. Okay. And what was that?</p> <p>19 A. \$54,000.</p> <p>20 Q. Oh, you're talking about the 21 value of the houses?</p> <p>22 A. Right.</p> <p>23 Q. You're right; I have not asked</p>
Page 90	Page 92
<p>1 120 Hubbard that are on the same stretch?</p> <p>2 A. Right, right.</p> <p>3 Q. Are there houses on either of 4 those properties right now?</p> <p>5 A. Well, the city went over there 6 and tore them down after, you know, the 7 storm hit them and I didn't get the money 8 that I thought I was going to get to fix 9 them up from the insurance company.</p> <p>10 Q. The city tore down the houses 11 on 415 Ice --</p> <p>12 A. All three of them.</p> <p>13 Q. All three of them?</p> <p>14 A. Um-hmm. The city of Troy did.</p> <p>15 Q. The city tore down your house 16 that was worth \$54,000?</p> <p>17 A. Well, see the storm had hit 18 them. When the storm hit them, they wasn't 19 \$54,000. Once that storm hit them, they 20 was -- some part of them was out in the 21 yard.</p> <p>22 Q. Okay.</p> <p>23 A. But I had insurance with</p>	<p>1 you the value of the other two houses. 2 What are those?</p> <p>3 A. Okay. The little pink house, 4 the value of it was \$30,000. That white 5 house --</p> <p>6 Q. I don't know the colors. You 7 have to tell me the address, sir.</p> <p>8 A. Okay. Ice Street, the value of 9 it was \$30,000.</p> <p>10 MR. SAWYER: Was that the pink 11 house?</p> <p>12 THE WITNESS: That's the pink 13 house on Ice Street.</p> <p>14 A. The white and green house over 15 on 120 Hubbard Street, that was a \$45,000 16 house.</p> <p>17 Q. (BY MR. WARFIELD:) What do you 18 base those numbers on?</p> <p>19 A. Well, I base the numbers on 20 there's a guy was going to buy them 21 properties from me one time. And I went 22 and asked the real estate lady, you know, 23 basically what was -- and she told me by</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 149 to 152)

Page 149	Page 151
<p>1 just every night. You know, I have done it 2 for a period of time for special reasons. 3 Q. Have you ever -- when was the 4 last time -- 5 A. I got an address for that 6 showing that I stayed there. Will that 7 help you any? 8 Q. No. No. I'm asking you when 9 you actually lived there. You've got 10 several properties. You told me you lived 11 in different places. I need to know when 12 it was that you actually lived there. 13 A. It was before Ivan. 14 Q. Okay. But you told me before 15 Ivan that you were really living with your 16 mother. 17 A. That's what I told you. 18 Q. Okay. When did you really live 19 at the property on Hubbard Street? 20 A. Like I told you, I never just 21 straight lived there no long period of 22 time. I've had situations where my sister 23 and them would come home and stay to give</p>	<p>1 A. Beth from Countrywide. She 2 told me that they had sent her a letter 3 down there saying that they was going to -- 4 you know, that they was fixing to foreclose 5 on the property. 6 Q. Okay. Let me ask you one 7 question. Are you aware of Countrywide 8 ever attempting to foreclose on the 9 property on Dean Street? 10 A. No, because they don't own it. 11 Q. Okay. I agree with you. I 12 just want to make sure. 13 A. But they said they was. They 14 said they was. But they couldn't foreclose 15 on it because I ain't never owned it and 16 they ain't never owned it. 17 Q. When did they say they were 18 going to foreclose on it? 19 A. Well, Gloria, I think she going 20 to take care of that in a few months. 21 Because they messed up her name, and she 22 ain't never had no dealings with 23 Countrywide. And they -- they writ me a</p>
<p>me a break with Momma. Well, I would go up there and stay because I didn't want to stay down there with them and the children. Q. So you'd go up there and stay for periods of time? A. Right. Q. But you never really lived there? A. No. No. If that's what you -- if you don't count the periods that I stayed there, that's fine. Q. When was the first time you recall hearing anything about foreclosure on any of these three properties? A. Well, it was way on after I went into Montgomery up here and I had heart surgery. I had my heart worked on. And then they closed Dorsey Trailer. After they closed Dorsey Trailer. Q. Do you remember who you first heard anything about foreclosure from? A. Yeah. Q. Who was that?</p>	<p>letter one time saying -- they kept writing letters that I owned. I tried to explain it to them. I said I don't own. And then when they come out with it, they come out in the paper showing where the property was. Q. Right. That's what I'm asking. Do you have anything in which Countrywide said it was going to foreclose on the Dean Street property? A. I'll get it to him. I got something. I'll get it to him. Q. Describe what it is that you're telling me about. A. I got some papers showing that they said they was going to foreclose Dean Street. Q. Was it just stuff sent to you at Dean Street, or did it say they were going to foreclose Dean Street? A. It was stuff sent at Dean Street saying they was going to foreclose. MR. SAWYER: Get that to me.</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 153 to 156)

Page 153	Page 155
<p>1 I'll get it to you.</p> <p>2 A. And she went down there, and 3 she checked with the people on it. They 4 said, "Well, just go ahead; let them try."</p> <p>5 MR. SAWYER: Is that Gloria out 6 there?</p> <p>7 THE WITNESS: Yes.</p> <p>8 Q. (BY MR. WARFIELD:) Are you 9 aware of there ever being any foreclosure 10 proceedings -- any notice, any sale -- on 11 the Dean Street property?</p> <p>12 A. Never.</p> <p>13 Q. Okay.</p> <p>14 A. After that letter that they 15 sent me from Countrywide. That's the only 16 thing I ever knew about foreclosure on Dean 17 Street. Dean Street ain't never been 18 behind.</p> <p>19 Q. All right.</p> <p>20 A. And that was property they was 21 trying to foreclose on that they didn't own 22 and I ain't never owned. And, you know, I 23 was surprised. And I tried to explain it</p>	<p>1 hold it. Just a minute. Hold it just a 2 minute. I got something. Hold it just a 3 minute.</p> <p>4 That's one right there. I got 5 others.</p> <p>6 Q. Okay. Thank you, sir. All 7 right.</p> <p>8 A. You want a copy of this?</p> <p>9 Q. Yeah, I will. Can you set them 10 aside? All right.</p> <p>11 I want you to back up with me, 12 Mr. Brooks, and just tell me -- walk me 13 through what happened with the 14 foreclosures.</p> <p>15 A. Well, like I say --</p> <p>16 MR. SAWYER: Sit back and relax 17 and tell him what happened. Think about 18 what he's saying.</p> <p>19 A. Okay. Like I say, when I got 20 the letter from Countrywide that they was 21 going to -- I got a letter from Macbeth -- 22 McFadden and Rouse saying that they was 23 representing Countrywide and that they was</p>
Page 154	Page 156
<p>1 to them, but they didn't listen.</p> <p>2 Q. What is --</p> <p>3 A. All you got to look at, this 4 letter right here shows "Roy Brooks, Jr., 5 319 Dean Street." And "property address, 6 319 Dean Street." That will take care of 7 that right there. Showing that they was 8 trying to foreclose Dean Street. There you 9 a copy.</p> <p>10 Q. Okay. Does that letter say 11 anything about foreclosure?</p> <p>12 A. It said they paid off the loan. 13 I got something -- okay. "This letter is 14 to confirm the amount that your insurance 15 company sent to pay off your mortgage. We 16 received \$9,287 on December 31, 2004. 17 Property address 319 Dean Street, Troy, 18 Alabama." That's another one.</p> <p>19 Q. Okay. Does that say anything 20 about foreclosure?</p> <p>21 A. No, they just paid it off.</p> <p>22 Q. My question was --</p> <p>23 A. Oh. Okay. Foreclosure. Okay,</p>	<p>1 fixing to foreclose the loan. I called her 2 up and asked her, you know, how much money 3 could I get in -- get up to stop it. She 4 told me approximately what I'd have to get 5 up, plus there would be so much a day, plus 6 she'd have to call back up to Countrywide 7 to stop it; that Countrywide was the only 8 people that could stop it. And I asked her 9 is there any way to work it out. She told 10 me that they had a workout department at 11 Countrywide, say but they was representing 12 Countrywide at this time; that I need to 13 talk to her and make the offer that I got 14 to offer, what I could come up with.</p> <p>15 So one day at the house, I just 16 turned around and called the workout 17 department and told them what had happened 18 to me and what I had been through and they 19 had closed Dorsey down and I had a whole 20 bunch of children in school and all this 21 other stuff and some in college, and I had 22 had work done on my heart, and I needed to 23 see if I could work it out.</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 157 to 160)

Page 157

1 And Countrywide sent me a
2 workout letter saying that -- I mean, you
3 know, they talked to me on the phone, plus
4 I got a workout letter here from
5 Countrywide. You got one of these? Saying
6 that -- okay.

7 Q. That's actually the letter you
8 just handed me. If it's okay, I'll just
9 mark that copy.

10 A. But I got that copy of that
11 check on the inside. Can we get a copy of
12 that back?

13 Q. Yes, it's on there, too.

14 A. Copy of the check?

15 Q. Yes.

16 A. Yeah, okay.

17 Q. All right. So Countrywide sent
18 you a letter offering to let you work out
19 the delinquency on the loan?

20 A. That's what they said. And
21 then they called back and told me they
22 would be unable to do it. I don't know
23 what reasons -- the reason was.

Page 157

1 Q. Okay. You asked her if there
2 was any way you could avoid the
3 foreclosure?

4 A. Right.

5 Q. She told you you had to talk to
6 the workout department?

7 A. Right. At Countrywide.

8 Q. At Countrywide. You called the
9 Countrywide workout department?

10 A. Um-hmm.

11 Q. Who did you talk to? Do you
12 remember?

13 A. Wait. Could I back up a
14 minute?

15 Q. Sure.

16 A. When I first talked to
17 Ms. Beth, she told me that she -- you know,
18 the pros and the cons of what I needed to
19 come up with. And then one day I was
20 sitting there. I was worried about it.
21 And I went over her head, and I called the
22 workout department. I called somebody
23 there and I asked her and they told me they

Page 158

1 Q. Did they say and you just don't
2 remember them? Or did they not?

3 A. Well, I asked her. She told me
4 that it had got -- I told her who I was
5 working with, the guy's name. And she told
6 me that it had gotten to the place and the
7 time from the letter I had the date of the
8 foreclosure, that I needed to work through
9 Ms. Beth.

10 Q. Okay.

11 A. Through McFadden -- you know,
12 the lawyer, their lawyer that was
13 representing --

14 Q. They told you you had to
15 reinstate?

16 A. No, they didn't tell me that.

17 Q. Okay.

18 A. They told me I had to work
19 through the lawyer that was representing
20 them. They called it the legal department.

21 Q. All right. So let me just back
22 up. You first heard from Beth Rouse?

23 A. Right.

Page 159

1 Q. Okay. You asked her if there
2 was any way you could avoid the
3 foreclosure?

4 A. Right.

5 Q. She told you you had to talk to
6 the workout department?

7 A. Right. At Countrywide.

8 Q. At Countrywide. You called the
9 Countrywide workout department?

10 A. Um-hmm.

11 Q. Who did you talk to? Do you
12 remember?

13 A. Wait. Could I back up a
14 minute?

15 Q. Sure.

16 A. When I first talked to
17 Ms. Beth, she told me that she -- you know,
18 the pros and the cons of what I needed to
19 come up with. And then one day I was
20 sitting there. I was worried about it.
21 And I went over her head, and I called the
22 workout department. I called somebody
23 there and I asked her and they told me they

Page 160

1 had a place, one of the workers, that you
2 can work it out. Then I called the workout
3 department. And then they told me to start
4 sending in documents. And I start sending
5 in documents. Then later on I called. I
6 had till that Friday. They was going to
7 let me know that Friday. And when I called
8 back that Friday, the workout department at
9 Countrywide, they said it had gone too far;
10 I'm going to have to deal with Ms. --

11 MR. SAWYER: Rouse.

12 THE WITNESS: Ms. Rouse.

13 Q. (BY MR. WARFIELD:) They didn't
14 tell you that they couldn't give you a
15 workout option because you didn't have
16 enough money to pay up front to qualify for
17 the plan?

18 A. No. She told me that it had
19 gone too far and it was getting so close to
20 the deadline for the foreclosure that I
21 needed to work it out with her; that only
22 she could stop the foreclosure.

23 Q. Do you remember who you talked

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 165 to 168)

Page 165	Page 167
<p>1 A. And she sent me something. And 2 about three or four more of them here sent 3 me something. You got a copy of that 4 letter.</p> <p>5 Q. And I do have that letter. And 6 I appreciate that. And I'm going to come 7 back to that. I want to ask you a bunch of 8 questions about that process. But that was 9 in March of 2005, okay?</p> <p>10 A. Yeah.</p> <p>11 Q. Is that correct?</p> <p>12 A. Right.</p> <p>13 Q. Okay. You told me before that 14 you talked to some people about a workout 15 before the foreclosure. And that's what 16 I'm asking you about right now.</p> <p>17 A. And they didn't put the name on 18 here.</p> <p>19 Q. Okay. And that's fine. Do you 20 remember the names of anybody that you 21 talked to at that time?</p> <p>22 A. I can't remember, but they sent 23 the documents here for the record to show</p>	<p>1 they couldn't handle it, I knew what she 2 had said at first, so I didn't go back to 3 Ms. Rouse. I went to the lawyer and told 4 him about the insurance. Then he -- I paid 5 him. He said okay; said, "I know 6 Ms. Rouse." And he called her, and they 7 talked.</p> <p>8 And then he told me about this 9 insurance and stuff. He told her first. 10 And she said, "Okay, we going to try to 11 hold it off and see what they going to do." 12 And then when we got this other letter from 13 them again stating how close -- that I 14 think it was going to be like three or four 15 days, four days from then -- all right? I 16 went back to him.</p> <p>17 Then he called this insurance 18 man -- well, I'm repeating myself -- right 19 back up here in Montgomery. The man got on 20 speaker phone and say, "Sure." He say, 21 "I'm working it up. It will be enough to 22 take care of the loan on them houses." And 23 he said, "Well, could I get you to call and</p>
Page 166	Page 168
<p>1 that they was dealing with me.</p> <p>2 Q. Right. And I understand that. 3 I'm just asking who you dealt with if you 4 remember?</p> <p>5 A. But I don't know. But I got 6 this document here to show for the record 7 that somebody was working with me from the 8 workout department of Countrywide Home. 9 You know, guaranteed document here from 10 them.</p> <p>11 Q. Did you ever receive a workout 12 agreement or a workout plan from 13 Countrywide?</p> <p>14 A. I never received a workout 15 plan. Because I told you when it got -- 16 they told me it had got too far. I had to 17 go back through their lawyers.</p> <p>18 Q. Okay. What did Ms. Rouse say 19 when you went back and talked to her after 20 that?</p> <p>21 A. What did Ms. Rouse say?</p> <p>22 Q. Um-hmm.</p> <p>23 A. If I -- after they told me that</p>	<p>1 tell Ms. Beth?" He said, "Yes, I'll call 2 and tell her." And he said, you know -- 3 the way he was talking, like he was 4 stressing to do that. But he said, "I'll 5 call."</p> <p>6 So she called back, and she 7 talked to the lawyer. And as far as we was 8 concerned, that she was working with me. 9 And all of a sudden, I find out that that 10 thing was fixing to foreclose.</p> <p>11 Q. How much was the loan at the 12 time, do you know?</p> <p>13 A. I really don't.</p> <p>14 Q. Okay. Do you know which --</p> <p>15 A. The total loan? It shouldn't 16 have been much. She got -- she said I owe 17 \$54,000. Ms. Beth said I owe \$54,000. She 18 said I owe Countrywide \$54,000.</p> <p>19 Q. She said that on the phone?</p> <p>20 A. No, she got it in a document 21 here. She got it right here. She got it 22 on the document here. She got a document 23 here showing exactly how much I owe</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 169 to 172)

Page 169	Page 171
1 Countrywide. She says, "Total amount for 2 redemption is \$43,970." 3 MR. WARFIELD: Okay. I've got 4 a copy of that same letter. I'm going to 5 mark it as Exhibit 10. 6 (Whereupon, Defendant's 7 Exhibit 10 was marked for 8 identification.) 9 Q. (BY MR. WARFIELD:) Exhibit 10 10 is a March 31st, 2005 letter from Beth 11 McFadden Rouse to James N. Thomas. 12 James N. Thomas was your attorney, right? 13 A. Um-hmm. 14 Q. That's a letter in March of 15 2005? 16 A. Um-hmm. 17 Q. Telling you how much it would 18 cost to redeem the properties? 19 A. Um-hmm. 20 Q. And total is \$43,970. 21 A. \$43,970.38. 22 Q. But that's March of 2005, 23 right?	1 A. No. I got the paper here 2 showing which one they closed on. 3 Q. Okay. 4 A. And you have, too. Because I 5 sent it to you. I gave it to you. And the 6 newspaper and all. You got a copy of that 7 newspaper? 8 MR. WARFIELD: I'm sure I do. 9 Hold on one second. I'll mark this as 10 Exhibit 11. 11 (Whereupon, Defendant's 12 Exhibit 11 was marked for 13 identification.) 14 Q. (BY MR. WARFIELD:) That's a 15 newspaper article, notice of foreclosure 16 sale. That refers to the Small Business 17 Administration mortgage. 18 A. Yeah. What it was referring 19 to, what mortgage, who had it first. And 20 they got -- you don't see IAM in here, too? 21 Let me get that for you. They got IAM in 22 here. They got LPP. Because they couldn't 23 close on -- well, they could. First
Page 170	Page 172
1 A. That's right. 2 Q. That's several months after 3 foreclosure. 4 A. Right. 5 Q. Do you know how much the loan 6 balance was at the time of foreclosure? 7 A. It couldn't have been much 8 because they sold it for \$6,000. They 9 foreclosed on it and didn't get but \$6,000 10 for that. 11 Q. Okay. Now, do you know which 12 loan they were foreclosing? 13 A. Oh, they was handling two? I 14 didn't know they was handling two. 15 Q. Which loan did you think they 16 were foreclosing? 17 A. I thought they were foreclosing 18 on the loan over there on Hubbard Street 19 and Ice Street and all that stuff. 20 Q. And those are the properties 21 that you had -- which mortgage did you 22 think they were foreclosing? The IAM 23 mortgage?	1 mortgage. They done took some stuff out of 2 here. But I got one. I got one with the 3 IAM. It shows IAM. It shows Beal Bank. 4 It shows all of them. Small Business 5 Administration, mortgage book, LPP. I got 6 my own. I got my own. Hubbard Street. 7 425 parcel. Okay, I got one. I got one. 8 I got one and you have, too, with IAM on 9 it. Because we just got through looking at 10 while ago showing IAM Credit Union as first 11 mortgagor and all that stuff. 12 Okay. Okay. "Subject to first 13 mortgage executed by Roy Brooks, Jr., an 14 unmarried man, Federal Credit Union, 15 February 11, 1944." This the foreclosure 16 right here. IAM Federal Credit Union was 17 the main lender. 18 MR. SAWYER: This is a 19 foreclosure deed. 20 THE WITNESS: Yeah. 21 MR. SAWYER: Auctioneer's deed. 22 Q. (BY MR. WARFIELD:) Do you know 23 what day it was foreclosed?

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 173 to 176)

Page 173	Page 175
<p>1 A. No, I don't because it supposed 2 to been done the 10th, and they done it 3 another day.</p> <p>4 Q. I tell you I think that will 5 show you it was done on November 10th.</p> <p>6 A. They dated it that, but they 7 wasn't there because we was at the 8 courthouse. We waited on them to 9 foreclose. I can prove that by the probate 10 judge and my cousin. We stayed there all 11 day. They didn't foreclose that day. They 12 wrongfully really foreclosed because they 13 supposed to gave me a chance to bid on it.</p> <p>14 MR. SAWYER: This is what day 15 they say, okay?</p> <p>16 THE WITNESS: Yeah, but they 17 wasn't there.</p> <p>18 MR. SAWYER: Just tell him.</p> <p>19 A. Okay. This is the date that 20 they say. "Sealed the 10th day of November 21 2004."</p> <p>22 Q. (BY MR. WARFIELD:) Okay.</p> <p>23 A. But they wasn't there that day.</p>	<p>1 A. Right.</p> <p>2 Q. Okay. Before the foreclosure, 3 did you talk to anybody else at Countrywide 4 or with Countrywide about the foreclosure 5 or about the insurance or any of this 6 stuff?</p> <p>7 A. Before when? Rephrase --</p> <p>8 Q. Before the foreclosure sale. 9 Before November 10th.</p> <p>10 A. Before November 10th? I've 11 talked to other peoples in the workout 12 department because they sent me letter 13 to --</p> <p>14 Q. You showed me the letter you 15 got from them, and you've told me about the 16 two people you talked to there. Other than 17 those people, other than the ones you've 18 already told me about, did you talk to 19 anybody else at Countrywide?</p> <p>20 A. I can't remember, sir.</p> <p>21 Q. Okay.</p> <p>22 A. I can't remember.</p> <p>23 Q. And as I told you before, I</p>
<p>1 Q. Okay.</p> <p>2 A. And the records show the 12th 3 of 30, 2004.</p> <p>4 MR. SAWYER: That's when it was 5 recorded, I think. That's when it was 6 recorded. This is the day that they say, 7 if I'm reading this correct, that it was 8 ultimately done. All right?</p> <p>9 THE WITNESS: Right.</p> <p>10 Q. (BY MR. WARFIELD:) Back up 11 with me, and we'll get into that in a 12 minute.</p> <p>13 You've told me about talking to 14 Beth Rouse, right?</p> <p>15 A. Yes, I did.</p> <p>16 Q. You've told me about talking to 17 a couple people in the workout department?</p> <p>18 A. Yes, that's right.</p> <p>19 Q. You've told me about talking to 20 your attorney?</p> <p>21 A. Right.</p> <p>22 Q. And y'all talking to this 23 insurance guy.</p>	<p>1 want to go forward and talk about some of 2 the people you talked to afterwards. We'll 3 get to that in a minute. I just want to 4 make sure you've told me everything about 5 what happened before the foreclosure.</p> <p>6 A. Right.</p> <p>7 Q. Is there anything else? Did 8 you talk to anybody at Beal Bank? Did you 9 talk to anybody at IAM Credit Union?</p> <p>10 A. Beal Bank told me they didn't 11 have it. I called down there and talked to 12 a lady. And I didn't ask her her name. 13 She just told me that they didn't have the 14 loan, that Countrywide had the loan.</p> <p>15 Q. Okay. And do you know which 16 loan they meant? Was it the Small Business 17 loan or the IAM loan?</p> <p>18 A. Well, she told me that their -- 19 that they had two loans, and both loans had 20 went to Countrywide.</p> <p>21 Q. Okay. So Beal Bank told you 22 they had two loans?</p> <p>23 A. Right.</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006
(Pages 181 to 184)

Page 181	Page 183
<p>1 you talked to before the foreclosure about 2 the foreclosure or about these properties 3 or your insurance claim or any of that 4 stuff?</p> <p>5 A. Like I said, you know, all the 6 people I talked to was over at Countrywide.</p> <p>7 Q. Okay. And we're going to talk 8 about those some more, the folks 9 afterwards. But as of November 10th, 2004 10 when this foreclosure happened, have you 11 told me everybody that you could remember 12 talking to at Countrywide?</p> <p>13 A. Before --</p> <p>14 Q. Before the foreclosure?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. Thanks. All right.</p> <p>17 Now, I know you talked to some folks 18 afterwards, too.</p> <p>19 A. Yeah.</p> <p>20 Q. All right. I tell you what.</p> <p>21 I'm going to go through some documents with 22 you, and hopefully that will help us stay 23 on a time line here.</p>	<p>1 Q. Okay. Now, that letter is 2 dated in 2002.</p> <p>3 A. Well, I ain't had it in three 4 or four years. I didn't get this letter.</p> <p>5 Q. Do you know when you no longer 6 had that P.O. Box?</p> <p>7 A. I can go to the post office, 8 but I guarantee you it's about three or 9 four years. It's been about three or four 10 years since I had that P.O. Box.</p> <p>11 MR. SAWYER: Just get me that 12 information, and I'll --</p> <p>13 THE WITNESS: Okay.</p> <p>14 Q. (BY MR. WARFIELD:) As you sit 15 here, you don't have that P.O. Box?</p> <p>16 A. I don't know when that was, but 17 I know it's been at least three years and a 18 half since I had that P.O. Box, close to 19 four years.</p> <p>20 Q. And this letter was written 21 more than four-and-a-half years ago. What 22 was Post Office Box 691 in Troy, was that 23 at some point a mailing address for you?</p>
Page 182	Page 184
<p>1 (Whereupon, Defendant's 2 Exhibit 12 was marked for 3 identification.)</p> <p>4 Q. (BY MR. WARFIELD:) I show you 5 Defendant's Exhibit 12. Have you ever seen 6 that document before?</p> <p>7 A. Mrs. McFadden Rouse. I told 8 you I talked to her.</p> <p>9 MR. SAWYER: Listen to his 10 question.</p> <p>11 THE WITNESS: Oh.</p> <p>12 Q. (BY MR. WARFIELD:) Have you 13 ever seen that before?</p> <p>14 A. No, I haven't.</p> <p>15 Q. It's addressed to you at a 16 P.O. Box. Do you recognize that?</p> <p>17 A. I ain't got -- I been -- I lost 18 that P.O. Box. And if it came there, I 19 didn't get it.</p> <p>20 Q. When did you have that 21 P.O. Box?</p> <p>22 A. I ain't had that P.O. Box in 23 about three or four years.</p>	<p>1 A. Yes.</p> <p>2 Q. But you don't recall having 3 seen this letter from Ms. Rouse?</p> <p>4 A. No, I don't.</p> <p>5 Q. Okay.</p> <p>6 A. But could I ask a question?</p> <p>7 Q. Yes, sir.</p> <p>8 A. Since we got on this letter 9 here, they didn't foreclosure then. What 10 that got to do with Countrywide?</p> <p>11 MR. SAWYER: Just listen to his 12 question.</p> <p>13 MR. WARFIELD: I'm not sure I 14 know the answer.</p> <p>15 (Whereupon, Defendant's 16 Exhibit 13 was marked for 17 identification.)</p> <p>18 Q. (BY MR. WARFIELD:) I show you 19 Defendant's Exhibit 13. That's a letter 20 from 2004 from Ms. Rouse.</p> <p>21 Let me ask you this. How did 22 you first hear from Ms. Rouse? How did you 23 first come across her?</p>

**ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.**

ROY BROOKS, JR.
September 15, 2006

(Pages 185 to 188)

Page 185

Page 187

1 A. She writ me a letter, told me
2 that she representing Countrywide.
3 Q. Okay. Do you have a copy of
4 that letter or --
5 A. No, I don't.
6 Q. Okay. Might the letter you're
7 holding be such a letter?
8 A. Uhn-uhn. This ain't it.
9 Because the letter -- the letter I got from
10 her, the copy showing what I have to pay
11 is -- where this was sent to? 691. I
12 didn't even have that box then, sir.
13 Q. Well, tell me where did you get
14 a letter from her?
15 A. I got the letter that she sent
16 to 319 Dean Street.
17 Q. That Ms. Rouse sent to 319 Dea
18 Street?
19 A. Yeah. And she sent one, I
20 think, down to P.O. Box 691. Because I
21 ain't had that box in a long time. I'll go
22 by the post office and get it, get you some
23 documents.

1 A. She sent it to me. 319 Dean
2 Street.
3 Q. Well, sir, this letter you just
4 handed me is addressed to your attorney.
5 A. Oh, that's attorney Thomas.
6 But see, I saw 319 Dean Street right here.
7 And I was thinking that was some of the
8 stuff that she --
9 Q. I understand. If you can find
10 any correspondence from Ms. Rouse addressed
11 to you, I would appreciate it.
12 A. All right. Now, this is from
13 McFadden and Rouse right here that she
14 sent.
15 MR. WARFIELD: While you're
16 looking, for the record, I have two
17 Exhibit 9s marked. So I am going to
18 mark -- Exhibit 9 is a letter from
19 Countrywide to Roy Brooks on August 3rd
20 2004. I'm going to leave that as
21 Exhibit 9. I'm going to change the
22 affidavit of ownership to real property
23 that Mr. Brooks and I read from that was

Page 186

Page 188

1 (Whereupon, Defendant's
2 Exhibit 14 was marked for
3 identification.)

4 Q. (BY MR. WARFIELD:) I show
5 Exhibit 14. Have you ever seen that
6 document before?

7 A. LPP. Who is LPP? Yeah, I saw
8 it after the foreclosure. I saw this after
9 the foreclosure.

10 Q. That letter specifically?

11 A. I don't know about this letter.
12 I couldn't have saw it because I ain't got
13 that post office box.

14 Q. If you would, take a second and
15 look through your documents, please, sir,
16 and tell me if you have any correspondence
17 from Beth Rouse?

18 A. Okay. All right.
19 Yeah, I have one right here.
20 And she -- but it went to 319 Dean Street.
21 Q. Mind if I see it? Okay, the
22 letter you just handed me is one she sent
23 to your attorney, right?

dated February 1, 1996, I'm going to mark
that as Exhibit 9A.

(Whereupon, Defendant's
Exhibit 9A was marked for
identification.)

A. I have -- may I say something?

Q. (BY MR. WARFIELD:) Yes, sir.

Absolutely.

A. I have a copy here from
Countrywide Home Loans to Roy Brooks, 907
North Main Street, Brundidge, Alabama.

Q. Okay. Again, I'm just asking
if you have any correspondence to you from
Ms. Rouse.

A. That look like one there.
That's the only way I can get it is she
sent it to me. That's McFadden and Rouse
right here that she sent to me. See that?

Q. That's the foreclosure deed,
right?

A. Yes. She had to send it to me.
That's the only way I can get it.

Q. Okay. Well --

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 193 to 196)

Page 193	Page 195
<p>1 any of those before?</p> <p>2 A. I ain't seen the one at 410</p> <p>3 Hubbard Street. I don't remember it.</p> <p>4 Q. Let me ask you this question.</p> <p>5 Was anybody living at any of those</p> <p>6 properties in August of 2004?</p> <p>7 A. I had -- I can't remember.</p> <p>8 MR. SAWYER: Would you look at</p> <p>9 your records and ascertain whether or not</p> <p>10 anybody lived or rented those properties.</p> <p>11 And that is a good question that he is</p> <p>12 entitled to an answer to. Find out.</p> <p>13 THE WITNESS: Because I know</p> <p>14 one girl was living, but I don't --</p> <p>15 MR. SAWYER: Don't speculate.</p> <p>16 THE WITNESS: Okay.</p> <p>17 Q. (BY MR. WARFIELD:) You said</p> <p>18 you purchased these to be rental</p> <p>19 properties? Okay. That's a yes?</p> <p>20 A. Hmm?</p> <p>21 Q. That's a yes?</p> <p>22 A. Yes.</p> <p>23 Q. How do you keep up with rental</p>	<p>1 A. I got one book I can look at I</p> <p>2 think.</p> <p>3 Q. What kind of a book?</p> <p>4 A. It's a receipt book.</p> <p>5 Q. Okay. So do you record that</p> <p>6 income like in your taxes?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you have an accountant?</p> <p>9 A. No, I don't have one now.</p> <p>10 Q. Who prepares your tax returns</p> <p>11 for you?</p> <p>12 A. Who prepare them for me?</p> <p>13 Q. Do you do them yourself?</p> <p>14 A. Well, me and another fellow do</p> <p>15 it.</p> <p>16 Q. Who is the other fellow?</p> <p>17 A. Reverend Reynolds help me out.</p> <p>18 Q. He just helps you file your</p> <p>19 returns, or do you guys have any joint</p> <p>20 investments of any kind?</p> <p>21 A. No. He just help me file my</p> <p>22 return.</p> <p>23 Q. But you do declare any income</p>
Page 194	Page 196
<p>1 income?</p> <p>2 A. How do I keep up with the rent?</p> <p>3 Q. Do you keep books of them in</p> <p>4 any way?</p> <p>5 A. Well, I tell you what. I had</p> <p>6 some bad tenants. I go by there -- when it</p> <p>7 first started off -- you know it's been</p> <p>8 many years -- everything went good. But in</p> <p>9 later years, I go by there, they pretend</p> <p>10 their baby fell out the bed and he had to</p> <p>11 go to the doctor. And this and that and</p> <p>12 the other happened. And they say, "Can I</p> <p>13 give you \$50 today, and if you come back,</p> <p>14 I'll have all your money next week." You</p> <p>15 run back over there next week. Somebody</p> <p>16 come to the door say, "She was here, but</p> <p>17 she just left." It just been a scenario.</p> <p>18 Q. I understand. And I'm</p> <p>19 following up on your attorney's suggestion.</p> <p>20 I'm just asking what kind of records you</p> <p>21 keep. What would you go to look at to find</p> <p>22 out if and when there was a tenant in any</p> <p>23 of these properties?</p>	<p>1 from these houses?</p> <p>2 A. Yeah.</p> <p>3 Q. Do you also deduct expenses</p> <p>4 from these houses?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. And you keep all that</p> <p>7 stuff in some sort of a book?</p> <p>8 A. What happened, I don't know</p> <p>9 where I got it now because I had a bunch of</p> <p>10 that stuff in the back of my car, and it</p> <p>11 caught afire and burned up. So I don't</p> <p>12 know whether I got all of it, but I got</p> <p>13 some of it.</p> <p>14 MR. SAWYER: Would you look and</p> <p>15 see?</p> <p>16 THE WITNESS: I'll look and</p> <p>17 see.</p> <p>18 Q. (BY MR. WARFIELD:) If you</p> <p>19 would, please provide your attorney any</p> <p>20 records you have about any rental income or</p> <p>21 rent costs for these properties going back</p> <p>22 five years if you don't mind.</p> <p>23 A. Okay.</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006
(Pages 209 to 212)

Page 209	Page 211
<p>1 specific day. It's been a long time, and 2 I'm --</p> <p>3 Q. I understand that.</p> <p>4 A. And, you know, I ain't no baby. 5 And I just -- verbatim date. I'm telling 6 you the best I can remember.</p> <p>7 Q. And Mr. Brooks, I can assure 8 you that's all I'm asking you to do. I 9 only want your best recollection.</p> <p>10 A. Yeah. If I knew, I'd just tell 11 you straight out. I'm trying to remember 12 to be as close as I can, and I think that's 13 all somebody ought to ask of me.</p> <p>14 Q. And that's all I'm asking you.</p> <p>15 A. I can't remember.</p> <p>16 Q. Okay. Do you know, though, 17 if -- when you went down and talked to the 18 attorney, you told me about this 19 conversation you had with the insurance 20 guy. You guys got on the phone and talked 21 to some guy in the insurance company?</p> <p>22 A. Yeah.</p> <p>23 Q. Had your lawyer already written</p>	<p>1 had talked to your attorney?</p> <p>2 A. When?</p> <p>3 Q. The day you're talking about?</p> <p>4 A. About him -- when this thing 5 started, I went by his office every day.</p> <p>6 Q. Okay.</p> <p>7 A. Yes, sir. I went by his office 8 every day. It wasn't I just, you know, go 9 down there every now and then. I either go 10 in the morning or in the evening and talked 11 to him about what was going on.</p> <p>12 And, you know, they got this 13 here, but I don't see where nobody signed 14 it. I know I ain't sign it. Now, I wonder 15 how could it --</p> <p>16 Q. Well, you weren't living at any 17 of those properties in December of 2004, 18 were you?</p> <p>19 A. In December?</p> <p>20 Q. Right.</p> <p>21 A. Right. I told you, you know, I 22 would go there and stay, and I was 23 fixing --</p>
<p>1 a letter to Ms. Rouse at that point?</p> <p>2 A. Had he already written one to 3 her? I think so. I think he had. I 4 surely think he had. Because that's when 5 he got back the second time on the phone 6 when it got critical and talked to her.</p> <p>7 Q. Are you aware of him any 8 writing any further letters about that?</p> <p>9 A. No, I am not.</p> <p>10 Q. All right. Exhibit 20 is three 11 letters, one to each -- addressed to either 12 you or to the occupant of the three 13 collateral properties, the three subject 14 properties. Have you ever seen any of 15 those letters?</p> <p>16 A. No, I haven't. I remember 17 going down there the 10th, though. I 18 remember that well because I stayed down 19 there a long time. Then I went home and 20 ate and came back and had my cousin watch 21 it for me. I came back, and I even went in 22 there and talked to the probate judge.</p> <p>23 Q. This is the same day that you</p>	<p>1 Q. No, I understand. I'm just 2 asking if you've seen this before. The 3 answer is no?</p> <p>4 A. No. 5 (Whereupon, Defendant's 6 Exhibit 21 was marked for 7 identification.)</p> <p>8 Q. (BY MR. WARFIELD:) Have you 9 seen No. 21?</p> <p>10 A. Yes, I seen this.</p> <p>11 Q. Do you recognize that fax 12 number? This one here.</p> <p>13 A. Yeah. This my fax number.</p> <p>14 Q. Okay.</p> <p>15 A. She faxed it to me. She faxed 16 that thing to me. See that? That's my fax 17 number.</p> <p>18 MR. SAWYER: Okay.</p> <p>19 THE WITNESS: She faxed that to 20 me.</p> <p>21 MR. SAWYER: What exhibit is 22 that?</p> <p>23 MR. WARFIELD: That's</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 213 to 216)

Page 213	Page 215
1 Exhibit 21. That's a March 11, 2005 2 letter. 3 Q. (BY MR. WARFIELD:) Do you know 4 why she faxed that to you? 5 A. March 11th? Sir, there's some 6 dates been changed here. There's some 7 stuff been done here. 8 Q. Well, sir, in March, didn't you 9 contact Countrywide and ask for a loan 10 history and payoff information for your 11 loans? 12 A. I only got this -- me and the 13 attorney either one didn't see this until 14 after the foreclosure, that \$43,000. I 15 ain't never seen that till after the 16 foreclosure. 17 Q. And this is dated after the 18 foreclosure, right? 19 A. Okay, okay. Okay. You got me 20 going. 21 Q. It's a March 11, 2005 letter. 22 A. Oh, okay. Okay. That's after 23 the foreclosure? Yeah, yeah, yeah.	1 Q. That's a letter from your 2 attorney? 3 A. Right. 4 Q. To Ms. Rouse. Do you remember 5 seeing that letter before? 6 A. I seen this letter. 7 Q. Okay. So as of March of 2005, 8 your attorney was asking Ms. Rouse through 9 this letter for a breakdown of the 10 insurance proceeds that had been paid? 11 A. Right. 12 Q. But you understand the 13 foreclosure had already happened four 14 months before then, right? 15 A. We knew that the foreclosure 16 happened in December, but the man told us 17 that he was going to pay it off before the 18 foreclosure. 19 Q. What month did the foreclosure 20 happen? 21 A. It happened in November. But 22 I'm just saying he told us that the 23 insurance would be put -- from the time we
Page 214	Page 216
1 Q. This is written four months 2 after the foreclosure? 3 A. We asked -- we wanted to find 4 out -- we hadn't heard nothing from the 5 insurance or nothing. We was trying to 6 find out where everything was and what 7 happened. And we knew if she sent us the 8 payoff, then it would tell us, you know, 9 where the proceeds went, how much they paid 10 off the loan, and how much everything. 11 MR. SAWYER: Listen to the 12 question. 13 THE WITNESS: Okay. 14 MR. SAWYER: The hour is late. 15 Don't be talking without thinking and 16 looking as far as what it is. 17 THE WITNESS: Okay. 18 (Whereupon, Defendant's 19 Exhibit 22 was marked for 20 identification.) 21 Q. (BY MR. WARFIELD:) Defendant's 22 Exhibit 22. 23 A. I seen this letter.	1 talked to him, he told us the insurance 2 would be paying them off. 3 Q. What man said this? 4 A. That man from Montgomery. 5 That's what we was hoping for. We knew the 6 foreclosure happened because like I told 7 you, when he called her, she said that she 8 may can't stop the man. So we knew the 9 foreclosure happened. But then we thought 10 that the money was going to come down there 11 right after foreclosure and pay the bills 12 and give me the deed and what was left. 13 Q. So the guy in Montgomery who 14 you remember being with the insurance 15 company -- 16 A. Right. 17 Q. -- told you -- I thought you 18 said he told you he thought there would be 19 enough? 20 A. He said there would be enough. 21 He told me there would be enough. 22 Q. Did he say the claim was being 23 paid?

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 225 to 228)

Page 225	Page 227
<p>1 A. He's a Rogers. I'll get his 2 name and get it to you. That's my cousin. 3 His sister name Esther May Rogers. And 4 I'll get it to you.</p> <p>5 Q. But at the time you talked to 6 your attorney, and he said, "Don't worry 7 about it. You got a year to redeem..." --</p> <p>8 A. That was -- this was all after.</p> <p>9 Q. It's late. Right. At that 10 point, you knew the property had been 11 foreclosed?</p> <p>12 A. Right.</p> <p>13 Q. And you were talking about 14 redeeming your property?</p> <p>15 A. Right. Because we knew that 16 the insurance company -- see, we was told 17 that the insurance company was going to pay 18 off. So I knew the insurance company 19 supposed to pay off and give me whatever 20 portion.</p> <p>21 Q. Okay. And again, the insurance 22 company -- the insurance is supposed to pay 23 off. The person who told you this is the</p>	<p>1 going to stop out there. He was waiting so 2 long and hadn't got me no correspondence 3 back. I was going to stop out there and 4 see what had he sent me.</p> <p>5 Q. Did anybody other than that guy 6 tell you that the insurance was going to 7 pay off the loan?</p> <p>8 A. Nobody but that guy. The other 9 guy just told me that it was totalled.</p> <p>10 Q. Okay. Did that guy have any 11 idea how much the loan was?</p> <p>12 A. No. No, he didn't tell me.</p> <p>13 Q. Do you have any idea if you 14 even knew?</p> <p>15 A. He just told me -- way he 16 talked, we saw -- I had something, 17 insurance -- yes, it did. It had \$23,000 18 for property. On that insurance. And he 19 said, "This surpass all this." That's what 20 the guy said.</p> <p>21 Q. Do you know how much the loan 22 balance was at the time?</p> <p>23 A. No, I didn't.</p>
Page 226	Page 228
<p>1 guy from Montgomery?</p> <p>2 A. Right.</p> <p>3 Q. Did anybody else ever tell you 4 that?</p> <p>5 A. Well, they had two peoples come 6 down there. They had more than one guy 7 from Montgomery come down there.</p> <p>8 Q. Who had more?</p> <p>9 A. The Countrywide place.</p> <p>10 Q. How do you know it's a 11 Countrywide place? Back up. Tell me that. 12 Is it an insurance company? Was it your 13 mortgage company? Do you have any idea who 14 it really was?</p> <p>15 A. The man told me who he was 16 from.</p> <p>17 Q. Okay.</p> <p>18 A. Countrywide.</p> <p>19 Q. He said Countrywide? All 20 right.</p> <p>21 A. In Montgomery. Because one day 22 I went out there. I was going to stop out 23 there to see -- I know after that, I was</p>	<p>1 Q. Do you know if he knew how much 2 the loan balance was?</p> <p>3 A. No, I don't.</p> <p>4 Q. If he didn't know how much the 5 loan balance was, how could he tell you 6 that it was going to pay off by insurance?</p> <p>7 A. Well, I guess I was speculating 8 that the insurance would pay off the full 9 value of the insurance, not just the loan.</p> <p>10 Q. You were speculating that the 11 claim was going to exceed the amount of the 12 insurance?</p> <p>13 A. Right.</p> <p>14 Q. Did he tell you it would?</p> <p>15 A. He told me that I should get 16 over twenty something thousand dollars out 17 of it. I done forgot which house we was 18 at. And he says, "I ain't worked at them 19 other two houses." That was that other 20 guy. But the other guy, I told you what he 21 said. It was two of them came.</p> <p>22 Q. Do you know how much the total 23 debt on the houses was at the time?</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 233 to 236)

Page 233	Page 235
<p>1 character witness for that boy. And we 2 talked about that. And then we got back on 3 my case.</p> <p>4 Q. All right. But in March -- I'm 5 going to tell you how I understand 6 redemption works very simply, and tell me 7 if it makes sense to you.</p> <p>8 When you redeem after 9 foreclosure, basically you have to -- you 10 basically have to buy the property back. 11 You have to pay off what the buyer paid to 12 purchase the property. Does that make 13 sense?</p> <p>14 A. \$6,000.</p> <p>15 Q. It was like \$6,700, wasn't it?</p> <p>16 A. Right.</p> <p>17 Q. Their bid. So you knew you'd 18 have to pay that plus interest and some 19 other expenses. Is that something you 20 discussed with your attorney?</p> <p>21 A. Well, they had the interest 22 already included when he bid.</p> <p>23 Q. Okay. But it was your</p>	<p>1 something -- each one of them had twenty 2 something thousand dollars per house. And 3 I knew that was more than enough.</p> <p>4 Q. Okay. I think you showed me 5 one document before that had an insurance 6 coverage amount on it, but I'm not sure you 7 showed me more than one.</p> <p>8 Defendant's Exhibit 18. Okay. 9 That's a letter from Countrywide about 10 forced placed insurance. That's something 11 that you and your attorney talked about 12 briefly a little while ago -- but insurance 13 that Countrywide was going to obtain on one 14 of the properties because it didn't have 15 any proof that any other insurance was in 16 place. And it shows a loan balance of 17 \$23,000, right?</p> <p>18 MR. SAWYER: Okay.</p> <p>19 Q. (BY MR. WARFIELD:) And it was 20 going to insure that for its loan balance. 21 Okay. Is that what you understood to mean 22 that you would have \$23,000 of coverage for 23 each property?</p>
Page 234	Page 236
<p>1 intention to redeem that purchase, right? 2 To buy it back?</p> <p>3 A. Right. Through my insurance 4 money.</p> <p>5 Q. You were going to use the 6 insurance money to do it. Okay. All 7 right.</p> <p>8 Other than insurance money, did 9 you have any other money that you were 10 planning to be able to use to redeem the 11 property?</p> <p>12 A. Well, I had went and talked 13 to -- to redeem the property? No, because 14 I knew I was going to have plenty. I know 15 what you talking about now.</p> <p>16 Q. Okay. You assumed that the 17 insurance would be more than enough to buy 18 it back?</p> <p>19 A. Right. Right.</p> <p>20 Q. But nobody ever sent you 21 anything in writing showing you that?</p> <p>22 A. No, I just know I had so many 23 policies. And one of them had twenty</p>	<p>1 A. That's what I understood.</p> <p>2 Q. Okay. That one only shows one 3 property. Ice Street.</p> <p>4 A. That's what I said. It just 5 showed Ice Street. And I was saying well, 6 I got \$23,000 worth of coverage on Ice 7 Street, and I got \$23,000 of coverage on 8 110 Hubbard Street, and I got \$23,000 worth 9 of property on 410 Hubbard Street.</p> <p>10 Q. Okay. You assumed that? Or 11 did you see something that said that?</p> <p>12 A. I assumed that.</p> <p>13 Q. I told you we'd get to that and 14 I would let you tell me about it. I'm 15 going to mark this group of documents as 16 Exhibit 23. And this is some 17 correspondence between you and Countrywide.</p> <p>18 A. Okay.</p> <p>19 Q. It's letters from Countrywide 20 to you in March of 2005.</p> <p>21 A. Okay. (Whereupon, Defendant's Exhibit 23 was marked for</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 237 to 240)

Page 237	Page 239
<p>1 identification.)</p> <p>2 A. Okay.</p> <p>3 Q. (BY MR. WARFIELD:) What I want</p> <p>4 to do, I showed you a minute ago a letter.</p> <p>5 Defendant's Exhibit 22 is a letter from</p> <p>6 your attorney to Ms. Rouse. That was in</p> <p>7 March, asking about the insurance issue.</p> <p>8 And that correspondence seems to deal with</p> <p>9 the same issues, but I want you to just</p> <p>10 tell me what you remember happening in</p> <p>11 March; who you talked to, who said what.</p> <p>12 A. I talked to Ms. Sharon U. on</p> <p>13 the phone, and she told -- and I talked to</p> <p>14 her about was anything owed on the</p> <p>15 insurance.</p> <p>16 Q. Okay.</p> <p>17 A. On the property. And she told</p> <p>18 me no, that the insurance company had paid</p> <p>19 them off. I said, "Well, you know, would</p> <p>20 you send me a copy of that?" And she said,</p> <p>21 "Yes, I will." I said, "I got a fax</p> <p>22 number." I said, "Will you fax it first?"</p> <p>23 She said, "I'll fax it first, and then I'll</p>	<p>1 require any further assistance, please feel</p> <p>2 free to contact customer service department</p> <p>3 directly."</p> <p>4 MR. SAWYER: Was that on one</p> <p>5 piece of property or all of the properties?</p> <p>6 THE WITNESS: This right here?</p> <p>7 MR. SAWYER: Does it say?</p> <p>8 THE WITNESS: It don't say.</p> <p>9 MR. SAWYER: Excuse me.</p> <p>10 THE WITNESS: Um-hmm. Then --</p> <p>11 this is a fax here.</p> <p>12 Q. (BY MR. WARFIELD:) What date</p> <p>13 was that letter, sir?</p> <p>14 A. It was March the 23rd, 2005.</p> <p>15 Q. Okay.</p> <p>16 A. So then I called again. I was</p> <p>17 kind of scared about that. I called again.</p> <p>18 I talked to some more folks. Then the guy</p> <p>19 I talked to, he said, "Yes, sir, the</p> <p>20 mortgage has been paid." It says, "Thank</p> <p>21 you for your recent correspondence</p> <p>22 addressed to Countrywide Home Loans. This</p> <p>23 letter is to confirm that payoff funds for</p>
<p>1 send you a copy."</p> <p>2 Q. Okay.</p> <p>3 A. So she sent me this copy here</p> <p>4 saying, "Principal paid, \$9,287. Insurance</p> <p>5 paid, \$25." All right. And then she sent</p> <p>6 me...</p> <p>7 I said, "This spells some of</p> <p>8 what I want." I said, "But you said that</p> <p>9 the insurance has paid." I said, "Send me</p> <p>10 a copy showing me how much I owe -- I mean</p> <p>11 how much insurance has paid off the</p> <p>12 property, off the note." That's why I</p> <p>13 said, "Send me a copy showing me that the</p> <p>14 insurance has paid off the property." So</p> <p>15 she sent me a letter --</p> <p>16 MR. SAWYER: I'm looking at it.</p> <p>17 A. Okay. She sent me a letter</p> <p>18 confirming the amount. She said, "This</p> <p>19 letter is to confirm the amount that your</p> <p>20 insurance company sent to pay off your</p> <p>21 mortgage. We received \$9,287 on December</p> <p>22 the 31st, 2004. We hope we have addressed</p> <p>23 your concerns satisfactorily. If you</p>	<p>1 the above-referenced loan account were</p> <p>2 received on the 12th the 31st of 2004. We</p> <p>3 hope we have addressed your concerns</p> <p>4 satisfactorily. A friendly suggestion. If</p> <p>5 you need further information, please call</p> <p>6 our customer service department at</p> <p>7 1-800-669-9906. Thank you for your</p> <p>8 business and thank you for the opportunity</p> <p>9 to be of assistance."</p> <p>10 Q. That was on --</p> <p>11 A. That was on March the 24th.</p> <p>12 Q. Okay. And who sent that</p> <p>13 letter. Can you tell?</p> <p>14 A. Let me get his name. Yeah. I</p> <p>15 think it -- it was Shannon. His name ain't</p> <p>16 hooked on to it, but I can look -- see this</p> <p>17 fax -- that loan number there? I hook it</p> <p>18 back on to one of them pages, and it will</p> <p>19 show me --</p> <p>20 Q. Okay. What's that guy's name?</p> <p>21 A. That's Shannon U., I believe.</p> <p>22 Let's see. Yeah. That's account No. 418.</p> <p>23 No, this is different. This one, request</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 241 to 244)

Page 241	Page 243
<p>1 date, Shannon Marie Utley. 2 Q. I assume that's Shannon U., 3 Shannon Utley? 4 A. Okay. 3/7/2005. "Enclosed is 5 the loan...detailed...transactions for the 6 above-referenced account number. Please 7 note that this history provides pertinent 8 information on payments received, tax and 9 insurance disbursements...and assessed and 10 paid. Countrywide is committed to provide 11 you with quality loan service."</p> <p>12 Q. Okay. So on March 7, 2005, 13 Ms. Utley, Shannon Utley, sent you a loan 14 history?</p> <p>15 A. Right.</p> <p>16 Q. Okay. Now, you realize at that 17 time, the loan had already foreclosed, 18 right?</p> <p>19 A. Right.</p> <p>20 Q. Okay. Then on the twenty --</p> <p>21 A. No, this ain't a loan history here.</p> <p>22 Q. The letter of March 7th says,</p>	<p>1 you please tell me that -- would you please 2 tell me..." -- no. "Send me some -- send 3 to credit bureau so I won't be showing that 4 I owe Countrywide a bunch of thousand 5 dollars. Will you send them some 6 correspondence showing that this loan is 7 paid off? And send me a copy." And the 8 lady said, "Oh, I'll be glad to do that." 9 She said, "I'll do that."</p> <p>10 So she sent, "Important message 11 about your loan. This is to confirm the 12 following credit report adjustment was 13 submitted to the four main credit bureaus. 14 Show loan foreclosed with zero balance on 15 11/04. This request for adjustment was 16 submitted on March 24, 2005 to the 17 following reporting agencies: Equifax 18 Credit Information, Experian, Trans Union 19 Credit, Data Solutions," whoever they was.</p> <p>20 Q. Okay. So March 24th, they sent 21 you a letter confirming they had sent an 22 adjustment to the credit bureau showing 23 your loan as having been foreclosed with a</p>
Page 242	Page 244
<p>1 "Please find enclosed a loan history," 2 right? I'm just repeating what you read. 3 You can read it again.</p> <p>4 A. Yeah, it say a loan history. A 5 loan history. That don't mean it ain't not 6 paid off.</p> <p>7 Q. Okay. That sent you a loan 8 history, right?</p> <p>9 A. Okay.</p> <p>10 Q. And you were aware that the 11 foreclosure had happened long before then, 12 right?</p> <p>13 A. Right.</p> <p>14 Q. Okay. That was my only 15 question.</p> <p>16 A. Okay.</p> <p>17 Q. Then on the 24th -- I'm sorry. 18 On the 23rd, she sent you another letter 19 that talked about the insurance proceeds?</p> <p>20 A. This is to inform you that the 21 following credit report adjustment..." I 22 asked -- this ain't Ms. Sharon. This 23 another lady. I asked her, I said, "Would</p>	<p>1 zero balance on November '04?</p> <p>2 A. Right.</p> <p>3 Q. Okay. All right.</p> <p>4 A. Then later on they sent me an 5 overpayment check.</p> <p>6 Q. Okay.</p> <p>7 A. Showing that everything was 8 taken care of and I had this much money 9 left in escrow, \$139 left in escrow, and 10 they sent me the check.</p> <p>11 Q. Okay. And do you have a 12 problem with them having sent you that 13 check?</p> <p>14 A. No. Because I didn't owe them 15 nothing.</p> <p>16 Q. Okay. All right. I'll put 17 that exhibit back together, if I can. I'll 18 put them in chronological order if I can.</p> <p>19 All right. Ms. Utley sent you 20 a letter telling you that \$9,287 had been 21 received in insurance proceeds.</p> <p>22 A. Right.</p> <p>23 Q. Okay. You talked about before</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 249 to 252)

Page 249	Page 251
<p>1 attorney in fact and Roy Brooks, Jr. as 2 their attorney in fact hereto set their 3 hand and seal on the 10th day of November 4 2004." And I wrote on the end "Not My 5 Attorney" because I don't know them.</p> <p>6 MR. SAWYER: That's just a 7 legal document. Don't worry about that.</p> <p>8 MR. WARFIELD: Okay.</p> <p>9 MR. SAWYER: "Attorney in fact" 10 is just the way you have to sign those 11 things.</p> <p>12 Q. (BY MR. WARFIELD:) I will 13 suggest to you that my understanding of 14 this document is that only the Small 15 Business Administration mortgage was 16 foreclosed, that the IAM document was not 17 foreclosed. This document refers to the 18 IAM document to say that this deed is 19 subject to the IAM mortgage, which is still 20 outstanding. That's sort of legal jargon. 21 If you don't understand, that's fine. I'm 22 not going to tell you what this document 23 means because it's a legal document and it</p>	<p>1 him about that.</p> <p>2 Q. (BY MR. WARFIELD:) This 3 letter, Exhibit 10 -- you may have told me. 4 That fax number, was that your attorney's 5 fax number up here?</p> <p>6 A. That's my fax.</p> <p>7 Q. That's your fax number?</p> <p>8 A. Right.</p> <p>9 Q. Okay. So you got this letter?</p> <p>10 A. Right.</p> <p>11 Q. And this letter is dated 12 March 31st, 2005?</p> <p>13 A. Right.</p> <p>14 Q. That's about a week after you 15 got a letter from Shannon Utley, right?</p> <p>16 A. Right.</p> <p>17 Q. This letter says, "Per your 18 request on March 21st, 2005, please note 19 that this loan had checks come in from 20 damage sustained from Hurricane Ivan. The 21 carrier was LPP, forced place coverage, 22 meaning Countrywide is the only named 23 insured, not the borrower. As such, checks</p>
<p>1 says what it says.</p> <p>2 A. Okay.</p> <p>3 Q. But I will tell you for 4 whatever it's worth --</p> <p>5 A. Did you hear what he just said?</p> <p>6 MR. SAWYER: I did. I knew 7 that.</p> <p>8 Q. (BY MR. WARFIELD:) -- the 9 first mortgage was not foreclosed. Do you 10 understand that there were two loans with 11 Countrywide?</p> <p>12 A. That's right.</p> <p>13 Q. Okay. We looked at Defendant's 14 Exhibit 10 before.</p> <p>15 MR. SAWYER: Do you know if 16 anybody's making payments on that first 17 mortgage?</p> <p>18 THE WITNESS: Ain't nobody 19 making -- oh.</p> <p>20 MR. WARFIELD: IAM sold it at a 21 pretty deep discount because it hadn't been 22 paid.</p> <p>23 MR. SAWYER: Yes. I'll talk to</p>	<p>1 were made payable to Countrywide only. The 2 funds were processed and property claims as 3 follows:" And it lists two checks, 4 \$2,459.85 and then for \$735.44.</p> <p>5 MR. SAWYER: How much?</p> <p>6 MR. WARFIELD: The first check 7 was \$2,459.85. The second check is for 8 \$735.44.</p> <p>9 MR. SAWYER: Got you.</p> <p>10 Q. (BY MR. WARFIELD:) I'm not a 11 math whiz, but that's about \$3,200. Okay?</p> <p>12 A. Say what now? Am I aware --</p> <p>13 Q. I'm just telling you that by my 14 math, those two checks would add up to 15 about \$3,200. Okay?</p> <p>16 A. I was going on what Ms. Sharon 17 told me. Shannon Utley told me they 18 received nine thousand and something 19 dollars.</p> <p>20 Q. A week later, Ms. Rouse sent 21 you a letter saying that the amount was 22 different.</p> <p>23 A. Then I called back. You know,</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 253 to 256)

Page 253	Page 255
1 they confirmed it still was the same thing. 2 I even called back after she sent that 3 letter. 4 Q. Who did you call afterwards? 5 A. I don't know. The lady -- 6 person on the phone confirmed that the loan 7 was paid off and how much they paid. Said 8 the insurance paid. And then she went 9 back. She said, "Did you receive a letter 10 from..." -- she got the name of one. I 11 said yeah. She said, "Well, they sent you 12 documents showing what the insurance paid." 13 Q. They sent you what documents? 14 A. The one from Ms. Sharon Utley 15 and all that crap saying that -- 16 Q. And a week later, your attorney 17 sent you a letter giving you specific check 18 amounts. 19 A. Yeah. 20 Q. And who did you talk to after 21 that? 22 A. Somebody up there at 23 Countrywide.	1 What did I say? 2 MR. SAWYER: You said attorney. 3 MR. WARFIELD: Thank you. 4 Q. (BY MR. WARFIELD:) -- what 5 happened next? 6 A. He -- talking about when we got 7 this? What happened when we got this -- 8 Q. After you got that letter? 9 A. Nothing. 10 Q. And it's up to your attorney 11 whether or not you answer this question, 12 but did you and your attorney have a 13 strategy for what you would do next or what 14 needed to be done? 15 A. Well, he felt like I had been 16 wronged. That's what he says. 17 Q. Okay. And tell me why. 18 A. Why did he feel like I been 19 wronged? 20 Q. Right. 21 A. Well, we had literature from 22 Countrywide showing that they had paid off 23 money. And, you know, we hadn't -- they
Page 254	Page 256
1 Q. Don't remember who? 2 A. No. But all they told me, that 3 they looked it up on the computer and say, 4 "We show right here where you have already 5 received documents." 6 Q. Okay. 7 A. "So we sent you a letter to the 8 credit bureau. We sent you a letter here 9 showing that your loan is paid off zero." 10 Q. So what did you do next? 11 A. Nothing. I didn't do nothing. 12 THE COURT REPORTER: I need to 13 take a break. 14 MR. WARFIELD: Sure. 15 (Whereupon, a break was had 16 from 6:39 until 6:50.) 17 Q. (BY MR. WARFIELD:) After you 18 got the letter from -- you and/or your 19 attorney got this letter from Ms. Rouse at 20 the end of March 2005 -- 21 MR. SAWYER: You mean 22 Mr. Thomas, right? 23 MR. WARFIELD: Yes. Right.	1 had paid off -- the insurance had paid off 2 proceeds, and we hadn't got any or got any 3 put toward this -- this big loan that she 4 say we owed. 5 Q. Let me ask you this. How much, 6 if anything, would you have been able or 7 willing to pay to redeem the property from 8 foreclosure? 9 A. Well, see, after I talked to 10 the insurance man and the people, me and 11 him; see, we took, well, two, three hours. 12 We took time and went through that stuff 13 and he wrote this and he talked to me and I 14 talked to him. And I wasn't willing to pay 15 nothing because I know I had money coming. 16 Q. Okay. In the March 31st letter 17 from Ms. Rouse, again, that says only about 18 \$3,200 came in from insurance? 19 A. That's what she said. 20 Q. And I can't tell you as we sit 21 here today if that's right or not. If it 22 was, if that's all the insurance company 23 actually paid, were you in a position or

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 261 to 264)

Page 261	Page 263
<p>1 understand that.</p> <p>2 Q. Okay.</p> <p>3 A. The part I don't understand is, 4 you know, IAM had sold a mortgage over to 5 Beal Bank. Beal Bank had sold both of them 6 over there. When I was writing them -- 7 and, you know, we discussed this part going 8 into litigation. When I talked to them, 9 they told me that they was foreclosing on 10 IAM and the Small Business. I didn't know 11 they just closed on the Small Business 12 until today.</p> <p>13 Q. Who told you that?</p> <p>14 A. Pardon me?</p> <p>15 Q. Who told you that?</p> <p>16 A. They told me that up there at 17 the place. I didn't know it till today. I 18 understand now. I didn't know it until 19 today.</p> <p>20 Q. Who was it that told you they 21 foreclosed both?</p> <p>22 A. That's what I was told up at 23 Countrywide. I can't remember which one of</p>	<p>1 A. Mr. Thomas -- I talked to 2 Mr. Thomas about it. He said, "Well, I 3 know what the man said." And he said, 4 "Something wrong here."</p> <p>5 Q. But did Mr. Thomas to your 6 knowledge ever request any information from 7 the insurance company?</p> <p>8 A. Mr. Thomas was waiting on them 9 to send the information after he sent the 10 check over to Countrywide. He was waiting 11 on them to send the information. He never 12 sent any.</p> <p>13 Q. I understand he was waiting on 14 it. Did he ever do anything to go try and 15 get it? Did he call? Did he send them 16 anything?</p> <p>17 A. I think -- I don't know why he 18 didn't go no further. I think my little 19 money I paid him had burnt out. I don't 20 know for sure.</p> <p>21 Q. I understand.</p> <p>22 A. He might have done the maximum 23 of what he was intending to do for what I</p>
<p>1 them. I talked to so many. I done talked 2 to a bunch of them.</p> <p>3 Q. Okay. All right. So was there 4 anything else that happened? Was it -- did 5 anything else happen between when you and 6 your attorney talked about this and when 7 Mr. Sawyer filed the lawsuit?</p> <p>8 A. Was anything else talked?</p> <p>9 Q. Yeah. Did you do anything 10 else? Did you talk to anybody else at 11 Countrywide? Were there any other steps?</p> <p>12 A. After I got the documents and 13 the insurance waiting on from her and 14 waiting on the insurance to pay and they 15 didn't pay us, I start talking to other 16 attorneys, yeah.</p> <p>17 Q. And all I'm trying to ask is 18 did anything else happen before the suit 19 got filed?</p> <p>20 A. Ain't nothing happen.</p> <p>21 Q. Did you ask your other 22 attorney, Mr. Thomas, to contact the 23 insurance guy that y'all had talked to?</p>	<p>1 gave him.</p> <p>2 MR. SAWYER: I think Mr. Thomas 3 was under the impression -- he can verify 4 this. I think Mr. Thomas was under the 5 impression that everything was foreclosed 6 at one time.</p> <p>7 THE WITNESS: Yeah.</p> <p>8 MR. WARFIELD: Okay.</p> <p>9 THE WITNESS: He was under that 10 impression.</p> <p>11 MR. SAWYER: You need to 12 clarify that with him.</p> <p>13 MR. WARFIELD: Okay.</p> <p>14 MR. SAWYER: And I'll let this 15 gentleman know, okay?</p> <p>16 Q. (BY MR. WARFIELD:) All right. 17 And I think you've already answered this 18 question but, again, assume with me for 19 just a minute that there wasn't enough 20 insurance to pay off the mortgages. Were 21 you willing to pay anything to redeem the 22 mortgages in 2005?</p> <p>23 A. Yes.</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 277 to 280)

Page 277	Page 279
1 rooms. And all the ceiling, wood and all 2 just come down. It was gone. 3 Q. Do you have any estimate how 4 much it would cost to repair that house? 5 A. Yeah. That's the one I told 6 you totally gone is \$30,000. 7 Q. It was worth \$30,000? 8 A. That's what I say it's worth. 9 Q. And I'm asking about repair 10 costs. If you know. If there could have 11 been any. 12 A. To me -- 13 Q. Not reparable too much? 14 A. Right. 15 Q. More than the \$30,000 you 16 thought it was worth? 17 A. Right. 18 Q. I asked you this before, but do 19 you have any pictures of those houses 20 before Hurricane Ivan? 21 A. I've got some. I'm going to 22 try to get some up. I know I got some of 23 410 Hubbard Street. And I can't remember	1 THE WITNESS: I can't think of 2 any. 3 MR. SAWYER: If you can think 4 of anybody, let me know next week, and I'll 5 let this gentleman know. 6 THE WITNESS: I will. 7 MR. SAWYER: Try. 8 THE WITNESS: All right. I'll 9 be trying. 10 MR. SAWYER: I apologize for 11 continuing to interrupt your deposition, 12 but I want to try to give him some 13 guidance. 14 THE WITNESS: I appreciate it. 15 Q. (BY MR. WARFIELD:) This is 16 going to sound like potentially a 17 repetitive question, but I'm going to ask 18 this in a little bit different way. Tell 19 me as directly as you can in your own words 20 what it is that Countrywide did wrong that 21 you're suing them for. 22 A. Well, I'm suing about the 23 insurance money. And now I feel like I got
Page 278	Page 280
1 what I got of some of the other houses. 2 Q. Would these be pictures before 3 or after the hurricane? 4 A. Before the hurricane. 5 Q. Do you have any from after the 6 hurricane? 7 A. No. 8 Q. Can you think of anybody who 9 would be able to tell me now what those 10 houses looked like after the hurricane? 11 Any other witnesses? 12 A. No. 13 Q. Are there any other neighbors 14 around that you could think of that I could 15 talk to to ask those questions? 16 A. Because the guy, the guy across 17 from the house, he died. And the lady that 18 lived below in the other house, they left. 19 I don't know where they moved. Her and her 20 husband separated. They went their 21 separate ways. 22 MR. SAWYER: If you can think 23 of anybody.	1 other things to sue them for because they 2 put the IAM, all about that loan in the 3 paper, and they wasn't foreclosing on that 4 loan. So, you know, that's extra. And I 5 could have saved my property, and I'd have 6 had all that property if they had paid the 7 insurance like they -- like I was told, 8 from the information I was told. I could 9 have had them three houses standing over 10 there now. 11 I got some children right now 12 need a house. I got two boys here right 13 now need a house. And them houses over, 14 see, they could move in there. They had to 15 come back from up north, and they ain't got 16 nowhere to stay. 17 Q. Okay, I'll ask you some 18 follow-up questions on those. 19 The first thing you said was 20 about the insurance money. What do you 21 think Countrywide did wrong with respect to 22 the insurance? 23 A. Well, when they got the money

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006
(Pages 289 to 292)

Page 289	Page 291
<p>1 A. They sent me a policy. 2 Q. Who did? 3 A. Countrywide. 4 Q. Before they sent you a lender 5 placed policy, did you have any coverage on 6 those properties? 7 A. Talking about before then? I 8 have had it, but I didn't have it at that 9 time until I got a replacement. 10 Q. You let it lapse. 11 A. Possibility. 12 Q. Okay. Who was it with? 13 A. I can't remember. 14 Q. You don't have any idea? 15 A. I just really can't remember. 16 I know one time it was with -- I've had 17 more than one person. And one time it was 18 with National Security. I just can't 19 remember who -- 20 Q. And sometime before Hurricane 21 Ivan came, you let that insurance lapse? 22 A. Yeah. 23 Q. Okay. Countrywide told you</p>	<p>1 their loan, in the best case scenario under 2 their policy, they would have paid off 3 their own loan balance. There wouldn't 4 have been any insurance money to fix those 5 houses. Do you understand that? 6 A. I think so. Out of three \$900. 7 Three nine thousand. And I had thirty 8 something thousand. They take \$9,000 out 9 and pay off the loan. So I'd have had 10 around \$20,000 there. 11 Q. But we've already discussed the 12 loan amount was about \$38,000, wasn't it? 13 \$43,000? 14 A. That's what she said. 15 Q. You borrowed \$38,000. 16 A. Could I ask him a question? 17 Q. Sure. 18 THE WITNESS: This lady is 19 saying one thing. Do I have to -- 20 MR. SAWYER: Just try to answer 21 his question. If you didn't understand 22 that, tell him you didn't understand it 23 like that. That's all you got to say. I</p>
Page 290	Page 292
<p>1 that it was putting insurance on the 2 property? 3 A. I got insurance after -- that's 4 right. That's right. Countrywide say 5 they -- 6 Q. Is that right? 7 A. Yeah. 8 Q. Do you understand that when 9 Countrywide puts insurance on the property, 10 it only insures it to the amount of its 11 loan? 12 A. I didn't understand that. 13 Q. Okay. And so under 14 Countrywide's insurance policy, they never 15 would have paid more than it would have 16 taken to pay off its loan. 17 A. I didn't understand that. 18 Q. Okay. And if they had paid 19 that and you kept your property, you would 20 have had those two broken-down houses that 21 got damaged in the storm? 22 A. If they had paid what? 23 Q. If they would have paid off</p>	<p>1 understand what you thought. I understand 2 what he's saying. All right? 3 A. Question? 4 Q. (BY MR. WARFIELD:) All right. 5 The only other thing that you mentioned 6 when I asked you what they had done wrong 7 was something about putting the IAM loan in 8 the newspaper? 9 A. That's right. 10 Q. Tell me what you mean by that. 11 A. Well, you stated that the only 12 thing they was foreclosing on was Small 13 Business loan. 14 Q. Okay. 15 A. Well, if they was foreclosing 16 on just Small Business, they had no 17 business bothering IAM. 18 Q. Okay. All right. Can you 19 think of anything else you think they did 20 wrong? 21 A. Well, when, you know, she -- 22 she told us she was going to work with us, 23 and she went and foreclosed, sent the guy</p>

ROY BROOKS, JR.
COUNTRYWIDE HOME LOANS, INC., ET AL.

ROY BROOKS, JR.
September 15, 2006

(Pages 297 to 300)

Page 297	Page 299
<p>1 to make me say it ain't. 2 Q. Mr. Brooks, I'm asking you. 3 You just told me that Countrywide 4 advertising your property for foreclosure 5 somehow caused you to have to get out of a 6 political race. 7 A. That's right. 8 Q. Okay. But you didn't pay your 9 mortgage, did you? 10 A. Well, I -- 11 Q. Did you pay your mortgage? 12 A. It was extenuating 13 circumstances. And when the storm hit, I 14 had something to pay it with, pay it all 15 off if they would have gave me a chance. 16 Q. How long had it been before the 17 storm hit that you had paid your mortgage? 18 A. I can't remember. 19 Q. Okay. And the foreclosure 20 notice was published before the storm hit, 21 wasn't it? 22 A. It was. But it got taken care 23 of. I satisfied what they wanted.</p>	<p>1 some harm in your political race? 2 A. Some of it. 3 Q. And that happened before the 4 storm, right? 5 A. Nope. It happened -- the one 6 that got me -- because I hadn't even 7 qualified before the storm. I meant 8 before -- back when you saying in August. 9 I hadn't even qualified then. 10 Q. When did you qualify for the 11 race? 12 A. I qualified before the 13 deadline. It was the last of October. 14 Q. Okay. The end of October? 15 A. Um-hmm. 16 Q. Okay. What did Countrywide do 17 after the end of October that caused you to 18 draw out of the race? 19 A. Well, we had got together on 20 what we was going to do, and they didn't 21 keep up their side of the bargain. So I 22 think -- 23 Q. What does that have to do with</p>
<p>1 Q. The publication of the 2 foreclosure notice happened before the 3 storm hit, didn't it? 4 A. They always send it out right 5 before -- 6 Q. Okay. 7 A. They didn't send it out before 8 the storm, no. No. No. 9 Q. The foreclosure was 10 scheduled -- 11 A. No. 12 Q. -- in August of 2004. 13 A. That's something else that was 14 taken care of. No. That got taken care 15 of. This last foreclosure -- they didn't 16 foreclose on me then, you know. 17 Q. They published notice before 18 the storm. You're aware of that, aren't 19 you? 20 A. They published notice, and it 21 got taken care of. 22 Q. It's your testimony, though, 23 that the public notice is what caused you</p>	<p>1 your political race? 2 A. Well, sir, this is just my 3 opinion. I thought I could have my 4 opinion. 5 Q. Well, you're welcome to it. 6 But you're suing my client, and you're 7 claiming that the -- 8 A. I'm your client? 9 Q. I'm sorry? 10 A. I'm your client? 11 Q. No, you're suing my client. 12 A. Oh, okay. 13 Q. And you just said that they 14 somehow caused you to have to pull out of a 15 race that you didn't qualify for until a 16 week before the foreclosure. 17 A. Yes, sir. And that's my 18 opinion. 19 Q. And what did they do after you 20 qualified for the race that caused you to 21 withdraw? 22 A. I said when they published my 23 name in the paper. They also added a loan</p>
	75